

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

REAL PROPERTY AND
IMPROVEMENTS LOCATED AT 4589
CROOKED PRAIRIE ROAD,
HUMBOLDT COUNTY, CALIFORNIA,
ASSESSOR'S PARCEL NUMBER 221-
181-028,

Defendant.

No. CV 08-2696 WDB

RECORDED NOTICE OF LIS PENDENS
AS TO REAL PROPERTY LOCATED AT
4589 CROOKED PRAIRIE ROAD,
HUMBOLDT COUNTY, CALIFORNIA,
(APN 221-181-028)

The United States hereby submits the attached Recorded Notice of Lis Pendens as
to Real Property and Improvements located at 4589 Crooked Prairie Road, Humboldt County,
California (APN 221-181-028).

DATED: 7/1/08

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney



DAVID B. COUNTRYMAN
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

- RECORDED NOTICE OF LIS PENDENS AS TO REAL PROPERTY LOCATED AT 4589 CROOKED PRAIRIE ROAD, HUMBOLDT COUNTY, CALIFORNIA, (APN 221-181-028)

to be served this date via both U.S. mail delivery upon the person(s) below at the place(s) and address(es) which is/are the last known address(es):

address(es) which is/are the last known address(es):

Kenneth Estes
19718 Oak Flat Road
Hidden Valley Lake, CA 95467

Kenneth Estes
722 Columbus Avenue
San Francisco, CA 94133-2731

Kenneth Estes
4589 Crooked Prairie Road
Whitethorn, CA 95542

Lenny Rubio
1390 I Street
Arcata, CA 95521

Lenny Rubio
1020 2nd Street, Apt 1
Eureka, CA 95501-0541

Ken McGregor
200 N. Western Avenue
San Pedro, CA 90732

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 1st day of July, 2008, at San Francisco, California.


ALICIA CHIN/Paralegal
Asset Forfeiture Unit

2008-13297-12

Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder

Recorded by US ATTORNEY

Rec Fee 40.00

Clerk: MM Total: 40.00

May 29, 2008 at 15:41

CONFORMED COPY

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CSBN 163973)
4 Chief, Criminal Division

5 DAVID B. COUNTRYMAN (CSBN 226995)
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11 Email: david.countryman@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 REAL PROPERTY AND IMPROVEMENTS
19 LOCATED AT 4589 CROOKED PRAIRIE
20 ROAD, HUMBOLDT COUNTY,
21 CALIFORNIA, ASSESSOR'S PARCEL
22 NUMBER 221-181-028

23 Defendant.

24 KENNETH ESTES, LENNY RUBIO AND
25 KEN MCGREGOR,

26 Owners of Record.

No. CV 08-2696 WDB

**NOTICE OF PENDENCY OF
ACTION (LIS PENDENS)**

27 NOTICE IS HEREBY GIVEN that an action has been commenced in the above-entitled
28 Court pursuant to a Complaint for Forfeiture, a copy of which is attached hereto as Exhibit 1,
29 filed by the United States of America on May 29, 2008 to secure the judicial forfeiture of real
30 property and improvements located at 4589 Crooked Prairie Road, Humboldt County, California
(APN: 221-181-028).

1 In the Complaint for Forfeiture, plaintiff alleges that the defendant real property is subject
2 to forfeiture, pursuant to Title 21, United States Code, Section 881(a)(7) as property which
3 facilitated the cultivation of marijuana in violation of Title 21, United States Code, Section
4 841(a).

5 The owners of record to the defendant real property are Kenneth Estes, Lenny Rubio and
6 Ken McGregor.

7
8 Dated: 5/29/08

Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

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12 DAVID B. COUNTRYMAN
13 Assistant United States Attorney
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of NOTICE OF PENDENCY OF ACTION (LIS PENDENS) to be served via certified mail upon the person(s) below at the place(s) and address(es) which is the last known address(es):

Kenneth Estes
19718 Oak Flat Road
Hidden Valley Lake, CA 95467

Kenneth Estes
722 Columbus
San Francisco, CA 94133-2731

Kenneth Estes
4589 Crooked Prairie Road
Whitethorn, CA 95542

Lenny Rubio
1390 I Street
Arcata, CA 95521

Lenny Rubio
1020 2nd Street, Apt 1
Eureka, CA 95501-0541

Ken McGregor
P.O. Box 2492
Redway, CA 95560

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29th day of May, 2008, at San Francisco, California.

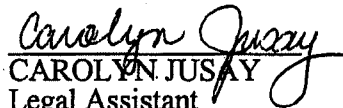

CAROLYN JUSAY
Legal Assistant
Asset Forfeiture Unit

EXHIBIT 1

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY AND IMPROVEMENTS
LOCATED AT 4589 CROOKED PRAIRIE
ROAD, HUMBOLDT COUNTY,
CALIFORNIA, ASSESSOR'S PARCEL
NUMBER 221-181-028

Defendant.

No.

COMPLAINT FOR FORFEITURE

In this *in rem* forfeiture action, the United States alleges:

JURISDICTION

1. This Court has jurisdiction under Title 28, United States Code, Sections 1345 and 1355, and Title 21 United States Code, Section 881.

PARTIES

2. Plaintiff is the United States of America.

3. Defendant is the real property and improvement located at 4589 Crooked Prairie Road, Humboldt County, California, Humboldt County Assessor's Parcel Number (APN) 221-

1 181-028, and further described below/or in Exhibit A (hereinafter "defendant real property").
2 Defendant real property is a multi-acre rural parcel located in Humboldt County, and Kenneth W.
3 Estes is an owner of record of defendant real property.

4 VENUE

5 4. Venue lies in the Northern District of California pursuant to Title 28, United
6 States Code Sections 1355(b) and 1395(a) and (b), as the acts giving rise to this *in rem* action
7 occurred in this district and the defendant real properties are located in this district.

8 FACTS

9 5. Plaintiff incorporates by reference the allegations of paragraphs one through four
10 as though fully set forth herein.

11 6. On August 27, 2003, DEA agents participated in a federal search warrant at
12 defendant real property. The search warrant resulted in the seizure of approximately 1,027
13 marijuana plants growing inside of a main building that had been equipped with high-intensity
14 lights. Agents also found a diesel generator in a small wooden shed that provided electricity to
15 the main building.

16 7. On September 13, 2006, DEA agents served a federal search warrant at defendant
17 real property. The search warrant resulted in the seizure of approximately 706 growing
18 marijuana plants. Agents found 678 plants growing in 12 different outdoor cultivation areas
19 around the property. In the main building, agents found a room that contained chicken wire
20 drying racks and boxes of marijuana trimmings. Next to the main building, agents found a new
21 beige-colored structure with an attached greenhouse containing 28 marijuana plants and an
22 inactive six-light marijuana cultivation room. Agents also found two empty wooden structures
23 set away from the main building..

24 8. On September 20, 2007, the Humboldt County Sheriff's Office, assisted by the
25 DEA, executed a California state search warrant at defendant real property. Agents located over
26 150 marijuana plants growing outdoors in various locations.

27 9. During the execution of the search warrant, agents interviewed Anthony Nguyen
28 and An Dinh. Both individuals stated that their sole occupation was growing marijuana on

1 defendant real property for Kenneth Estes.

2 10. On May 28, 2008, DEA agents served a third federal search warrant at defendant
3 real property. Agents seized over 400 marijuana plants growing inside of the two wooden
4 structures that had previously been empty. Agents also discovered two diesel generators, one of
5 which was used to provide electricity to the buildings where the marijuana was found. Agents
6 also located a room in the main building that was set up with trays and fluorescent lights in order
7 to clone marijuana plants.

8 11. During the execution of the warrant, DEA Special Agent Carlos Alfaro
9 interviewed Peter Nguyen, who resided in the main structure located on the defendant real
10 property. Mr. Nguyen stated that his sole occupation was growing marijuana on defendant real
11 property for Kenneth Estes.

12 **CLAIM FOR RELIEF**

13 **21 U.S.C. § 881(a)(7)**

14 **(forfeiture of property used to facilitate drug trafficking)**

15 12. Plaintiff incorporates by reference the allegations of paragraphs one through 11 as
16 though fully set forth.

17 13. Title 21, United States Code, Section 881(a)(7) provides for the forfeiture of all
18 real property, including any right, title and interest, which is used or intended to be used, in any
19 manner or part, to commit, or to facilitate the commission of a violation of Title 21, United
20 States Code, Chapter 13, Subchapter I, to include Title 21, United States Code, Section
21 841(a)(1).

22 14. In light of the foregoing, the defendant real property represents property which
23 facilitated a violation of Title 21, United States Code, Section 841(a)(1) – marijuana cultivation,
24 and thus subject to forfeiture to the United States pursuant to Title 21, United States Code,
25 Section 881(a)(7).

26 **PRAYER FOR RELIEF**

27 15. The United States has not seized defendant real property. The United States will,
28 as provided in Title 18, United States Code, Section 985(b)(1) and (c)(1):

1 a. Post notice of this action and a copy of this Complaint for Forfeiture at defendant
2 real property;


3 b. Serve notice of this action together with a copy of the Complaint for Forfeiture
4 and related documents, on the owners of record of defendant real property; and

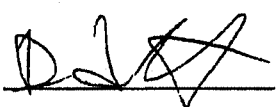
5 c. Record *lis pendens* in the county records for the Humboldt County to demonstrate
6 the status of defendant real property in this *in rem* action.

7
8 Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 Dated: May 20 2008

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13 STEPHANIE M. HINDS
14 Assistant United States Attorney

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16 Assigned to: 

17 AUSA D. Countryman
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2 **VERIFICATION**
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4 I, Brian Cole, state as follows:

5 1. I am a Special Agent with the Drug Enforcement Administration. As such, I am
6 familiar with the facts, and the investigation leading to the filing of this Complaint for Forfeiture.

7 2. I have read the Complaint for Forfeiture, and based upon review of relevant
8 investigative reports, review of documentary evidence, discussions with other persons involved
9 in the investigation, and participation in the investigation, I believe the allegations contained in it
10 to be true.

11 * * * * *

12 I declare under penalty of perjury that the foregoing is true and correct. Executed this
13 28th day of May, 2008, in San Francisco, California.
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15
16 (SA) Brian Cole
17 BRIAN COLE
18 Special Agent
19 Drug Enforcement Administration
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Exhibit A

Exhibit "A"

Real property in the unincorporated area of the County of Humboldt, State of California, described as follows:

PARCEL ONE

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 2 EAST, HUMBOLDT MERIDIAN.

THE ABOVE DESCRIBED PROPERTY BEING DESIGNATED PARCEL 1 ON PARCEL MAP NO. 1063 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, IN BOOK 9 OF PARCEL MAPS AT PAGES 83 AND 84.

PARCEL TWO

A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS, EGRESS AND PUBLIC UTILITIES, TO BE USED IN COMMON WITH OTHERS, WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AND DESIGNATED "CENTERLINE OF A 60 FOOT WIDE PRIVATE RIGHT OF WAY", ON THE RECORD OF SURVEY ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, IN BOOK 23 OF SURVEYS AT PAGE 93, AS GRANTED IN DEED DATED APRIL 3, 1974, EXECUTED BY ERNEST M. MCKEE, JR. AND PATRICIA MCKEE, HUSBAND AND WIFE, AND MCKEE AND SONS, INC., A CALIFORNIA CORPORATION, AND RECORDED APRIL 12, 1974, IN BOOK 1234 OF OFFICIAL RECORDS AT PAGE 494, UNDER RECORDER'S FILE NO. 6390, HUMBOLDT COUNTY RECORDS, AND RE-RECORDED MAY 10, 1974, IN BOOK 1238 OF OFFICIAL RECORDS AT PAGE 460, UNDER RECORDER'S FILE NO. 8276.

PARCEL THREE

A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS, EGRESS AND PUBLIC UTILITIES, TO BE USED IN COMMON WITH OTHERS, WITHIN A STRIP OF LAND 60 FEET WIDE, THE CENTER LINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AND DESIGNATED "CENTERLINE OF A 60 FOOT WIDE PRIVATE RIGHT OF WAY", ON THE RECORD OF SURVEY ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, IN BOOK 23 OF SURVEYS AT PAGE 31, AS GRANTED IN DEED DATED APRIL 3, 1974, EXECUTED BY ERNEST H. MCKEE, JR. AND PATRICIA MCKEE, HUSBAND AND WIFE, AND MCKEE AND SONS, INC., A CALIFORNIA CORPORATION, AND RECORDED APRIL 12, 1974, IN BOOK 1234 OF OFFICIAL RECORDS AT PAGE 494, UNDER RECORDER'S FILE NO. 6390, AND RE-RECORDED MAY 10, 1974, IN BOOK 1238 OF OFFICIAL RECORDS AT PAGE 460, UNDER RECORDER'S FILE NO. 8276.

PARCEL FOUR

A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS, EGRESS AND PUBLIC UTILITIES, TO BE USED IN COMMON WITH OTHERS, OVER THAT PORTION OF THE ROAD DESIGNATED AS "CENTERLINE OF 60 FOOT PRIVATE RIGHT WAY", ON THE RECORD OF SURVEY MADE BY JOSEPH J. SCHERF, WHICH SURVEY IS ON FILE IN THE COUNTY RECORDER'S OFFICE OF HUMBOLDT COUNTY, IN BOOK 22 OF SURVEYS, PAGES 121 TO 124 INCLUSIVE, AS CONVEYED TO DELMAR W. EGGLESTON AND WIFE, BY DEED RECORDED SEPTEMBER 13, 1968, IN BOOK 975 OF OFFICIAL RECORDS, PAGE 41.

EXCEPTING FROM SAID PARCEL FOUR THAT PORTION THEREOF LYING WITHIN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 2 EAST, HUMBOLDT MERIDIAN.

PARCEL FIVE

A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS, EGRESS AND PUBLIC UTILITIES TO BE USED IN COMMON WITH OTHERS OVER THAT PORTION OF THE ROAD DESIGNATED AS "EXISTING PRIVATE ROAD" ON RECORD OF SURVEY ON FILE IN THE COUNTY RECORDER'S OFFICE OF HUMBOLDT COUNTY, IN BOOK 22 OF SURVEYS, PAGE 66 TO 69 INCLUSIVE, RUNNING FROM STATION 234+19.44 E.C., AS SHOWN ON THE ABOVE SURVEY, BEING ALSO THE SOUTHERLY TERMINUS OF COURSE 1, AS SHOWN ON THE RECORD OF SURVEY ON FILE IN BOOK 22 OF SURVEYS, PAGES 121 TO 124 INCLUSIVE, SOUTHEASTERLY TO THE COUNTY ROAD IN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 2 EAST, HUMBOLDT MERIDIAN, AS CONVEYED TO DELMAR W. EGGLESTON AND WIFE, BY DEED RECORDED SEPTEMBER 13, 1968, IN BOOK 975 OF OFFICIAL RECORDS, PAGE 41.

APN: 221-181-028